

AMENDED IN SENATE JULY 2, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2999

Introduced by Assembly Member Huffman

February 22, 2008

An act to amend Section 2000.5 of the Fish and Game Code, *to amend Section 19348 of the Food and Agricultural Code*, and to add Section ~~91.7~~ 91.8 to the Streets and Highways Code, relating to animal carcasses.

LEGISLATIVE COUNSEL'S DIGEST

AB 2999, as amended, Huffman. Animal carcasses: removal from highways.

Existing law provides that the accidental taking of a bird, mammal, reptile, or amphibian by collision with a motor vehicle while the vehicle is being operated on a *road or* highway is not a violation of law. However, this provision does not authorize a person to possess the bird, mammal, reptile, or amphibian.

This bill would authorize the state or local agency having jurisdiction of a *road or* highway to remove an accidental take from the *road or* highway.

Existing law prohibits a dead animal hauler or any other person from transporting any dead animal to any place, other than to certain specified facilities or destinations, unless a certain waiver is granted by the State Veterinarian.

This bill would make those provisions inapplicable to the Department of Transportation or local agencies having jurisdiction over a road or highway when engaged in removing animal carcasses from the road or highway.

Existing law provides that the Department of Transportation has full possession and control of the state highway system and associated property.

This bill would require the department, within its maintenance program, to establish certain procedures for the removal and disposal of animal carcasses on state highways. The bill, notwithstanding other laws relative to prohibitions on the possession and transportation of endangered or protected species, or the property rights associated with livestock and other commercially valuable animals, would authorize the department to remove or relocate an animal carcass from a state highway for safety purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2000.5 of the Fish and Game Code is
2 amended to read:

3 2000.5. (a) Notwithstanding Section 219, 2000, or any other
4 provision of law, and notwithstanding any requirement for a permit
5 or license or other entitlement to take a species, the accidental
6 taking of a bird, mammal, reptile, or amphibian by collision with
7 a motor vehicle while the vehicle is being operated on a road or
8 highway is not a violation of this code or a regulation adopted
9 pursuant to this code. For purposes of this section, “highway”
10 means highway as defined by Section 360 of the Vehicle Code
11 and ~~“road”~~ “road” means road as defined by Section 527 of the
12 Vehicle Code. Nothing in this section authorizes a person to
13 possess any bird, mammal, reptile, or amphibian accidentally taken
14 by collision with a motor vehicle as provided in this subdivision.
15 However, accidental takes on the *road or* highway may be removed
16 by the state or local agency having jurisdiction over the *road or*
17 highway.

18 (b) This section does not apply to Chapter 1.5 (commencing
19 with Section 2050).

20 SEC. 2. Section 19348 of the Food and Agricultural Code is
21 amended to read:

22 19348. (a) Unless a waiver is granted by the State Veterinarian
23 in conjunction with implementation of Section 9562, no dead
24 animal hauler or any other person shall transport any dead animal

1 to any place, other than to a licensed rendering plant, a licensed
2 collection center, an animal disease diagnostic laboratory
3 acceptable to the department, the nearest crematory, or to a
4 destination in another state that has been approved for that purpose
5 by the appropriate authorities in that state.

6 (b) Nothing in this section shall be interpreted to conflict with
7 any state or federal environmental or zoning law, or to prohibit an
8 owner of a live animal from burying the animal on the owner's
9 property after the animal dies if the burial is within three miles of
10 where the animal died.

11 (c) *Subdivision (a) does not apply to the Department of*
12 *Transportation or to local agencies having jurisdiction over a*
13 *road or highway when engaged in removing animal carcasses*
14 *from the road or highway.*

15 ~~SEC. 2.~~

16 ~~SEC. 3.~~ Section ~~91.7~~ 91.8 is added to the Streets and Highways
17 Code, to read:

18 ~~91.7.~~

19 91.8. (a) The department shall, within its maintenance program,
20 establish procedures for the removal and disposal of animal
21 carcasses on state highways.

22 (b) Notwithstanding any other provision of law, including, but
23 not limited to, prohibitions on the possession and transportation
24 of endangered or protected species, or the property rights associated
25 with livestock and other commercially valuable animals, the
26 department may remove or relocate an animal carcass from a state
27 highway for safety purposes.

28 (c) The department shall dispose of animal carcasses in an
29 environmentally appropriate manner considering both of the
30 following:

31 (1) The animal's probable legal status, whether as domestic or
32 commercial property, wild, feral, protected, or endangered, as
33 follows:

34 (A) When practicable, an owner of a domestic animal shall be
35 notified of the location or disposition of the animal carcass. Unless
36 returned to the owner, license tags, nameplates, or other
37 identification shall be retained by the department for 30 days.

38 (B) A branded livestock carcass shall be removed from the
39 roadway but not otherwise transported until the owner is contacted.

1 If the owner cannot be identified, the department shall notify the
2 regional brand inspector.

3 (C) In the case of wild, feral, protected, or endangered animals,
4 disposal shall be accomplished in accordance with applicable
5 provisions of the Fish and Game Code.

6 (2) If disposal technologies including, but not limited to, natural
7 decomposition, burial, incineration, donation, rendering, or
8 composting are not available or practicable, the department may
9 use any nontraditional or novel technology that may be appropriate
10 under the circumstances.

11 (d) Animal carcasses shall not be relocated to or disposed of
12 within 150 feet of waterways or drainageways that lead directly
13 to ~~waterway~~ *waterways*, or buried within five feet of groundwater.

14 (e) The department shall maintain a record of designated
15 disposal sites used for consolidation of animal carcasses.